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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 16

Serial Number: 08/335,981  
Filing Date: 11/08/94  
Appellant(s): Horace L. Freeman

MAILED

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GROUP 3300

Woodock Washburn Kurtz Mackiewicz and Morris  
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed August 19, 1996.

**(3) Status of Claims**

The statement of the status of the claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Invention**

The summary of invention contained in the brief is correct.

**(6) Issues**

The appellant's statement of the issues in the brief is correct.

**(7) Grouping of Claims**

11. Appellant's brief includes a statement that claims 1-33 ~~222~~ do not

stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

4,898,159	Buese	2-1990
4,968,542	Gasper	11-1990
3,097,644	Parker	07-1963
878,38	Paxit	11-1987

**(10) New Prior Art**

No new prior art has been applied in this examiner's answer.

**(11) Grounds of Rejection**

Claims 1-5, 9, 12, 15, 19-20 and 23-24 remain finally rejected under 35 U.S.C. 102(b) as being anticipated by Buese '159

Claims 6-8, 10-11, 13-14, 16-18, 21-22, 25-27 and 29-30 remain finally rejected under 35 U.S.C. 103 as being unpatentable over Buese' 159 in view of Gasper.

Claim 28 remains finally rejected under 35 U.S.C. 103 as being unpatentable over the references as applied to claim 25 above and in further view of Parker

Claims 31-33 remain finally rejected under 35 U.S.C. 103 as being unpatentable over Buese '159 in view of Paxit.

**(12) New Ground of Rejection**

This examiner's answer does not contain any new ground of rejection.

**(13) Response to argument**

Appellant argues that Buese does not suggest applying a dye to the fabric. However, Buese clearly recites that the dye is incorporate into the binder and that the binder can be coated on the fabric (column 5, lines 10-13). Appellant argues that Gasper does not disclose a coloring agent. However, it is old and well known in the art that an ace bandage includes a tan dye therein. The ace band also includes a blue dye that indicates that the bandage is an ace bandage. Thus, at least two dyes are incorporated into the Gasper's reference. Appellant argues that Parker does not remedy the deficiencies of Buese and Gasper. However, Parker was used as a modifier to provide a casting material made of cotton and synthetic fibers. Appellant argues that the teachings of using a printing step to deposit a dye onto a polyester fabric of a decorative wall panel is non analogous to the step of printing a deposit of dye onto the open-mesh fibrous tape of a cast. However, the teaching in Paxit makes it obvious to use the printing step to apply a pattern of a dye onto the cast material as disclosed by Buese. Freeman provides the teaching of transforming a printed pattern onto a fabric.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Art Unit 3301

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January 2, 1997

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